

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

Civil Action No. 1:24-cv-03583-VMC

**DRIVE PLANNING, LLC, and
RUSSELL TODD BURKHALTER,**

Defendants,

and

**JACQUELINE BURKHALTER,
THE BURKHALTER RANCH
CORPORATION, DRIVE
PROPERTIES, LLC, DRIVE
GULFPORT PROPERTIES LLC,
and TBR SUPPLY HOUSE, INC.,**

Relief Defendants.

_____/

**DECLARATION OF COURT-APPOINTED RECEIVER
KENNETH D. MURENA**

I, Kenneth D. Murena, state as follows:

1. I am over 18 years of age, am a resident of Miami-Dade County, Florida, and am competent to make this declaration upon knowledge I have gathered pursuant to my appointment and in my role as Receiver of Drive Planning,

LLC (“Drive Planning”) in the above-captioned matter pursuant to the Order Appointing Receiver [ECF No. 10] (the “Appointment Order”).

2. My attorneys, forensic accountants, and I investigated the purchase and ownership of the Linarducci Property¹ by reviewing bank account statements, wire confirmations, public records, and a forensic reconstruction of accounts and transactions of Drive Planning to trace the funds used to purchase the Linarducci Property.

3. I confirmed that on July 10, 2023, a Warranty Deed was executed and recorded in the public record by the Grantors Joseph M. Schuller and Monika A. Schuller, collectively transferring their respective interests in the property located in Indianapolis, Indiana (*i.e.*, the Linarducci Property), to Gerardo Lorenzo Linarducci and Jennifer Joan Linarducci. *See* Warranty Deed, attached as **Exhibit 1**.

4. Gerardo Linarducci was a high-ranking agent/advisor of Drive Planning who received millions of dollars from Drive Planning presumably as commissions for procuring investors.

5. My review of Drive Planning’s Truist Bank statements confirmed that on July 10, 2023, \$1,920,535.75 was transferred from Drive Planning’s Truist

¹ Defined terms contained in this declaration have the same meaning as those in my motion for constructive trust to which this Declaration is an exhibit.

account no. ending in 2951 to Title Services, LLC. The details of this wire transaction are as follows:

Account	Trans. Date	Type	Name	Paid to	Description/Transaction Memo
***2951	07/10/23	Wire	TITLE SERVICES, LLC ESCROW ACCOUNT	\$1,920,535.75	GERARDO LORENZO AND JENNIFER ,JOAN LINARDUCCI .. FILE# 41633

6. At the time the \$1,920,535.750 was transferred from Drive Planning's Truist account no. ending in 2951 for the purchase of the Linarducci Property, Drive Planning's account contained millions of dollars of Drive Planning investor funds and was used by Drive Planning to receive and disburse investor funds. *See* ECF No. 81.

7. The transfer of funds from Drive Planning was used to purchase the Linarducci property. *See* Settlement Statement, attached as **Exhibit 2**.

8. Drive Planning alone paid the purchase price for the Linarducci Property with funds that investors had deposited into Drive Planning's account for the purpose of investing in a Drive Planning investment program.

9. According to my review of the public records, no purchase money mortgage was used to purchase the Linarducci Property.

10. In addition to the \$1,920,535.750 transfer to purchase the Linarducci Property, Mr. Linarducci received from Drive Planning transfers totaling \$6,274,685.41, presumably as commissions for bringing in investors. *See*

Linarducci Transactions, attached as **Exhibit 3**.

11. On August 20, 2024, the SEC's Complaint in this enforcement action and the Appointment Order were filed in the Southern District of Indiana, commencing a miscellaneous action in the district in which the Linarducci Property is located in accordance with 28 U.S.C. § 754. *See* Notice of Filing Complaint and Order Appointing Receiver, attached as **Exhibit 4**. On May 23, 2025, the Appointment Order was recorded in Marion County. *See* Certified CM/ECF Document, attached as **Exhibit 5**.

Under penalties of perjury, I declare that I have read the foregoing and that the facts contained therein are true and correct.

/s/ Kenneth D. Murena
Kenneth D. Murena
June 12, 2025